IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.94 OF 2006

IN

L.C.SUIT NO.828 OF 1983

Todi Insutrial Premises Co-op.
Society Ltd. ..Plaintiff.

V/s.

Municipal Corporation of
Greater Bombay & Anr. ..Defendants.

Mr.R.A.Shaikh for plaintiff.

Mr.H.C.Pimpre i/b. S.H. Ujainwala for defendants.

CORAM : J.P.DEVADHAR, J.

DATED : 18TH AUGUST, 2006.

P.C. :-

1. Heard learned counsel for the parties. This Notice of Motion is taken out by the defendant for setting aside ex-parte order dated 9th December, 2005 passed in Suit No.828 of 1993 whereby it was directed that ex-parte proceedings be initiated against defendant No.1. Mr.Shaikh leaves it to the Court to pass appropriate order in the matter.

2. For the reasons recorded in the affidavit filed in support of the application, the order dated 9th December, 2005 is set aside subject to payment of costs of Rs.2,500/- to be paid to the plaintiff by the defendant No.1. Costs to be paid within 2 weeks from today. Written statement filed by the defendant No.1 is taken on record.

3. Notice of Motion is disposed of accordingly with no order as to costs.

(J.P. DEVADHAR, J.)